

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SOVERAIN SOFTWARE LLC,

Plaintiff,

vs.

**J.C. PENNEY CORPORATION, INC., et
al.,**

Defendants.

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**CASE NO. 6:09-CV-274
PATENT CASE**

ORDER

Upon consideration of the parties' written submissions and oral arguments, the following lists the parties' motions and the Court's rulings on whether the requested relief is granted or denied as provided by the Court during the pre-trial hearing:

Docket No.	Motion	Ruling
(Docket No. 262)	Motion to Stay	DENIED
(Docket No. 296)	Plaintiff's Motion to Compel Document Production, Interrogatory Responses and 30(b)(6) Testimony from Defendants Victoria's Secret Stores Brand Management, Inc., and Victoria's Secret Direct Brand Management, LLC	DENIED
(Docket No. 306)	Motion for Leave to File Amended Answer and Counterclaims	GRANTED

(Docket No. 307)	Supplemental Motion to Compel	DENIED
(Docket No. 344)	Defendants' Motion for Leave to Amend Invalidity Contentions	GRANTED
(Docket No. 365)	Motion Pursuant to Rule 16(b) for Leave to Serve Infringement Contentions and Expert Reports Regarding QVCs Customer Service/Order Entry Website	DENIED AS MOOT
(Docket No. 377)	Motion to Strike Certain Portions of the Supplemental Expert Report of Dr. Jack D. Grimes	<p>DENIED</p> <p>In response to Dr. Grimes' Supplemental Expert Report, Defendants may supplement their experts' reports on April 26, 2011 by 12:00 p.m. Plaintiff may file a Motion to Strike those reports by April 29, 2011, and Defendants shall respond by May 2, 2011. Absent the Court's ruling to strike Defendants' supplemental reports, Plaintiff shall have 90 minutes and Defendants 60 minutes of additional expert deposition discovery to address the supplemental reports.</p>
(Docket No. 384)	Defendants' Motion for Partial Summary Judgment of No Willful Infringement	GRANTED
(Docket No. 385)	Defendant J.C. Penney Corporation Inc.'s Motion to Dismiss for Lack of Subject Matter Jurisdiction	DENIED
(Docket No. 392)	Defendants' Motion to Strike and Preclude the Expert Report and Testimony of Raymond S. Sims	<p>DENIED</p> <p>A memorandum opinion will follow.</p>

(Docket No. 409)	Motion in Limine No. 1	<p>The Court encourages the parties to discuss and resolve the remaining <i>in limine</i> disputes before trial. If necessary, Plaintiff's remaining motions <i>in limine</i> may be reurged at trial.</p> <p>Motions in Limine No. 1: DENIED WITHOUT PREJUDICE</p> <p>The Court grants Plaintiff leave to file a motion for sanctions, with an expedited briefing schedule, regarding its contentions that Defendants' experts failed to sufficiently disclose their infringement and invalidity opinions.</p>
(Docket No. 411)	Motion in Limine Nos. 1 and 10	<p>The Court encourages the parties to discuss and resolve the remaining <i>in limine</i> disputes before trial. If necessary, Defendants' remaining motions <i>in limine</i> may be addressed in due course at trial.</p> <p>Motion in Limine No. 1: GRANTED</p> <p>The parties shall approach the bench before presenting evidence or argument related to <i>Soverain Software LLC v. Newegg Inc.</i>, 6:07-CV-00511-LED.</p> <p>Motion in Limine No. 10: DENIED</p>
(Docket No. 418)	Joint Motion to Continue Trial Date	<p>DENIED</p> <p>This case shall immediately follow <i>Fractus v. Samsung, et.al.</i>, 6:09cv203. See Docket No. 407. However, once the trial date is finalized, the parties may file a new motion for continuance if they have an insurmountable scheduling conflict. It is in the Court's and the parties' best interest to proceed on this schedule unless absolutely impossible.</p>

Having considered the parties' proposals, the Court will allow the each party 30 minutes for voir dire, 30 minutes for opening, 45 minutes for closing, and 12 hours for direct and cross examination. The 12 hour allocation for direct and cross examination applies to all issues, both jury and non-jury.

So ORDERED and SIGNED this 21st day of April, 2011.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**